

REMARKS

Claims 8-13 and 16-33 are pending; claims 11-13 and 19-33 have been withdrawn from consideration; claims 8-10 and 16-18 are rejected.

Claims 8-10 have been amended to more clearly indicate that the compounds encompassed by these claims are “isolated” forms of the compounds. Support for the amendment may be found, for example, in paragraph 177.

Claim 10 has been further amended to address informalities.

Claims 16-18 have been amended to more clearly recite that which Applicants regard as their invention. Support for pharmaceutical compositions comprising a compound of the invention and a carrier may be found throughout the specification, such as at paragraph 180. The amendment to these claims should not be considered to further limit the scope of these claims.

No new matter has been added. Entry of the Amendment is respectfully requested.

I. Claim Objections

Claim 10 is objected to because (i) it fails to end in a period, and (ii) the Markush group lacks the term “and” between the last two compounds.

Included herewith is an amendment to claim 10 to address these informalities. In view of the amendment, reconsideration and withdrawal of this rejection are respectfully requested.

II. Claim Rejections Under 35 U.S.C. §101

Claims 8-10 and 16-18 are rejected under 35 U.S.C. §101 as being drawn to non-statutory subject matter. The Examiner states that the subject matter of the claims is natural products produced by *Streptomyces* and as such, the claims should be amended to indicate the hand of the inventor.

Included herewith is an amendment to claims 8-10 to indicate the hand of the inventor. In view of the amendment, reconsideration and withdrawal of this rejection are respectfully requested.

III. Claim Rejections Under 35 U.S.C. §112

Claims 16-18 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner states that the term “therapeutically effective amount” is indefinite where the claim fails to state the function which is to be rendered effective.

Included herewith is an amendment to claims 16-18 such that the claims no longer recite a “therapeutically effective amount” of the compounds. In view of the amendment, reconsideration and withdrawal of this rejection are respectfully requested.

IV. Claim Rejections Under 35 U.S.C. §102

Claims 16-18 are rejected under 35 U.S.C. §102(b) as being anticipated by Miyamura et al. (USP 3,890,199). The Examiner states that Miyamura discloses extracts from *Streptomyces aizunensis* that anticipate the compounds of the pending claims. The Examiner notes that the extracts of Miyamura are seen to be compositions comprising the naturally occurring products of the instant invention, as both compositions comprise extracts from *Streptomyces aizunensis*.

Applicants respectfully traverse the Examiner’s position for the following reasons.

Firstly, Applicants submit that with the amendment of claims 8-10 to recite “isolated” compounds, so as to distinguish over any “naturally occurring” compounds, the compounds comprising the pharmaceutical compositions of claims 16-18 are distinguished from the unextracted fermentation broth of a culture of *Streptomyces aizunensis* as described in Miyamura, as well as an extract of the broth. Further, the only “isolated” compound disclosed in Miyamura is the antibiotic substance No. 5879, which is not encompassed within the scope of the pending claims.

Secondly, Applicants respectfully submit that an extract from a fermentation broth, whether or not such extract is produced from a fermentation culture of *Streptomyces aizunensis*, does not equate to a “pharmaceutical composition” *per se*, and especially a pharmaceutical composition that comprises any one of the compounds defined in claims 8-10. Applicants respectfully submit that a person of skill in the art, on reading Miyamura, could in no way interpret the teachings of this reference to disclose the specific pharmaceutical compositions that are claimed in presently amended claims 16-18 given that Miyamura fails to disclose all of the limitations that are included within each of claims 16-18.

Accordingly, Miyamura does not teach each and every limitation of claims 16-18 and thus does not anticipate these claims. Applicants therefore request reconsideration and withdrawal of this rejection.

V. Conclusion

In view of the above amendments and remarks, Applicants respectfully request a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

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